

UNITED STATES DISTRICT COURT
for the
District of New Mexico

United States of America

v.

April Marie MILLER
aka April Marie WRIGHT

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Case No. 23-545 MJ

DN15BX23DN0019

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/11/2023 in the county of Hidalgo in the
State and District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. § 1324(a)(1)(A)(v)(I)	Conspiracy to Transport Aliens into the United States

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Deborah Silva

Complainant's signature

Deborah Silva, Special Agent

Printed name and title

Sworn to before me and *✓ A phone.*
signed in my presence.

Date: 03/26/2023

City and state: Las Cruces, New Mexico

GREGORY J. FOURATT
GREGORY J. FOURATT
U.S. MAGISTRATE JUDGE
Judge's signature
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Deborah Silva, having first been duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am presently employed as a Special Agent with Homeland Security Investigations (HSI) and have been since July 3, 2022, and am assigned to the Deming, New Mexico office. My duties include investigating federal criminal offenses in the District of New Mexico. I completed the Criminal Investigator Training Program (CITP) and became certified as a Criminal Investigator at the Federal Law Enforcement Training Center (FLETC) located in Brunswick, GA in October of 2022. After the CITP course, I then completed the HSI Special Agent Training (HSI-SAT) and graduated as a Special Agent in February of 2023.
2. Prior to being employed with HSI, I was a Border Patrol Agent (BPA) with the United States Border Patrol for approximately four years, starting in May of 2018. I attended FLETC in Artesia, NM for 6 months to become a BPA. As a BPA, I was assigned to the Field Intelligence Unit at my assigned station, where I researched and produced Intelligence reports and helped further predicate smuggling cases for prosecution.
3. Prior to working for the Federal government, I had graduated from New Mexico State University with a master's degree in Criminal Justice in 2017. I had received my Undergraduate Degree in Criminal Justice, a Supplemental Major in Law and Society, and a Minor in Forensic from New Mexico State University in 2015.
4. I have worked numerous cases involving human trafficking/smuggling and conspiracy to commit these crimes and received training, education, and experience with the identification and investigation of Title 8 violations of the United States Code.
5. I make this Affidavit in support of an Application for a Criminal Complaint for April Marie

MILLER (Y.O.B.: 1982) as I believe she violated 8 U.S.C. § 1324 (a)(1)(A)(v)(I), Conspiracy to Transport Aliens into the United States. I base the information in this Affidavit on my personal knowledge and on information that I have learned, either directly or indirectly, from witnesses, records, and other sworn law enforcement officers and agents. I have not included every fact that my investigation has revealed, but rather, have included only those facts necessary to show probable cause. The statements contained herein are based on my personal knowledge and observations; information provided to me by other law enforcement; reviews of various documents, records, and reports; and interviews conducted by law enforcement.

6. Unless otherwise noted, all references herein to times and dates are approximate, and all references herein to documents, contents and the statements of others are reported in substance and in part only.

RELEVANT STATUTES

7. 8 U.S.C. § 1324(a)(1)(A)(v)(I) makes it a federal crime to engage in any conspiracy to violate any criminal act outlined in 8 U.S.C. § 1324(a)(1)(A)(i) – 8 U.S.C. § 1324(a)(1)(A)(iv).

STATEMENT OF PROBABLE CAUSE

8. According to a G-166 document created by United States Border Patrol (USBP) agents, on March 11, 2023, a Bureau of Land Management (BLM) Ranger notified the Lordsburg USBP station of a failure to yield on New Mexico Highway 80. The BLM ranger initially attempted a vehicle stop due to the vehicle driving about 85 mph in a 60-mph zone. A Hidalgo County Sheriff's Officer was also following in the pursuit. The vehicle being pursued was identified as a white 2007 BMW 328 bearing Arizona license plate PRA38M.
9. A Lordsburg Border Patrol Agent (BPA) was approved to deploy a Vehicle Immobilization

Device (VID) on Highway 80. The vehicle was successfully spiked and came to a stop about half a mile north of the VID deployment.

10. The driver of the BMW is referred to herein as JOHN DOE #1. The passenger was identified as April Marie MILLER.
11. During the traffic stop, BPAs noticed four subjects in the rear seats of the vehicle. BPAs also located two additional subjects locked in the trunk of the vehicle. All six subjects were Mexican nationals. One of the smuggled undocumented noncitizens (UNCs) was determined to be an unaccompanied juvenile.
12. During the stop, MILLER admitted to BPAs that she had crushed and smoked a Fentanyl pill approximately two hours prior to being detained.
13. The driver, JOHN DOE #1, did not provide a statement at the Lordsburg BP Station.
14. MILLER, after being cleared by medical personnel at the Lordsburg BP station, knowingly waived her Miranda rights and provided a statement. MILLER stated that she knew the individuals she and JOHN DOE #1 had picked up were in the United States illegally. MILLER stated she knew the driver was getting paid, and that JOHN DOE #1 would pay MILLER after successfully dropping off the individuals in Phoenix, AZ.
15. MILLER stated that JOHN DOE #1 used WhatsApp on his tablet to communicate with the coordinator due to it being encrypted. MILLER also stated that JOHN DOE #1 used the Turo App to disguise who the owner of the vehicle was. MILLER also stated that JOHN DOE #1 had received instructions for the smuggling scheme hours before leaving the house.
16. Prosecution was initially declined for both the driver, JOHN DOE #1, and passenger, MILLER, by the Assistant United States Attorney (AUSA) office for the event that occurred on March 11, 2023.

17. On March 23, 2023, MILLER was involved in a second human smuggling scheme in the Lordsburg Area of Responsibility which resulted in a fatality to the driver, Gene FRANCIS, and multiple subjects being injured. MILLER was also the front passenger in the second event. Subsequently, MILLER knowingly waived her Miranda rights and provided a statement to HSI agents in which she provided additional information regarding her previous smuggling attempt on March 11, 2023. Although the audio recording device failed during this interview, there were several law enforcement agents present during the statement.
18. MILLER stated that the driver of the second event was Gene FRANCIS. MILLER stated that FRANCIS and JOHN DOE #1 are in the same group of friends and were both hired for the smuggling events by the same coordinator. MILLER stated that the coordinator works for the Cartels.

CONCLUSION

19. Based upon the facts above, your affiant submits there is probable cause to believe that April MILLER violated 8 U.S.C. § 1324 (a)(1)(A)(v)(I), Conspiracy to Transport Aliens into the United States.

Deborah Silva

Deborah L. Silva
Special Agent
Homeland Security Investigations